

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-20097-CR-BLOOM

UNITED STATES OF AMERICA

vs.

DANIEL PINTADO CAZOLA,

Defendant.

FACTUAL PROFFER

The United States and the defendant, Daniel Pintado Cazola (“the defendant”), agree that had this case proceeded to trial, the government would have proved the following facts beyond a reasonable doubt, and that these facts are true and correct and provide a sufficient factual basis for the plea of guilty to Counts 1 and 11 of the Indictment: conspiracy to commit health care fraud, wire fraud and mail fraud, and aggravated identity theft.

On or about March 23, 2021, Myers Professional Services, Inc. (“Myers Professional”), was incorporated in the State of Florida. Myers Professional was a company that purportedly supplied durable medical equipment (“DME”) to Medicare beneficiaries and Medicaid recipients, located at 11595 Kelly Road, Suite 210, in Fort Myers, Florida. In April of 2021, co-conspirator J.F.G., a resident of Miami-Dade County, Florida, became the listed owner of Myers Professional. The defendant, also a resident of Miami-Dade County, Florida, was the true owner of, and exercised control over, Myers Professional. As the nominee owner of Myers Professional, on or about May 6, 2021, J.F.G. opened a bank account at BB&T in the name of Myers Professional on behalf of the defendant.

On or about May 20, 2021, the defendant had a recorded meeting in Miami-Dade County, Florida, with a cooperating defendant (hereinafter referred to as a confidential source ("CS")) who was working at the direction of law enforcement. During the recorded meeting, the defendant explained to the CS how he buys and sets up fraudulent DME companies. The defendant started off by telling the CS that he had bought a DME that had been set up and was ready near the airport (in Miami-Dade). The defendant then explained that he buys the "patients" (referring to lists of Medicare beneficiaries) from someone he knows for \$100 per patient. The defendant further explained to the CS that he buys \$5,000 worth of "patients" and that the investment generates approximately \$100,000 per week (referring to the Medicare payments received from fraudulent claims submitted to the Medicare program). According to the defendant, he provides the patient list to a "biller" who bills (Medicare) non-stop, including weekends. The defendant estimated that "clinics" easily yield \$1 million to \$1.5 million per clinic. During this same recorded meeting, the defendant offered the CS to invest in a new clinic with him, told the CS that the initial investment would cost between \$50,000 and \$75,000, that the CS would need to find someone to be the "face" to open the clinic, and that he could bill until he is shut down. The defendant encouraged the CS to think about it because, according to the defendant, it provides a good return and it is easy.

On or about October 12, 2021, the defendant met with the CS. This meeting was not recorded, but the CS reported the meeting to law enforcement that same day. According to the CS, the defendant and the CS traveled together to a nearby post office in Southwest Miami because the defendant had to send certain paperwork via the U.S. mail. The CS advised law enforcement that the defendant had a blank check in the name of "Myers Professional Services, Inc." and that

the defendant explained to the CS that this company (referring to Myers Professional) was the next company he (the defendant) and others were building in Fort Myers, Florida. According to the CS, the defendant said that he was going to Fort Myers the following day with the lady who was billing for him (the defendant). The defendant further explained to the CS that after his upcoming trip to the business location with the biller, and after he mails the paperwork he had with him at the post office, he and the others would be ready to start billing in two to three weeks from that moment.

Among the records obtained from the Medicare program pertaining to Myers Professional was a U.S. Postal Service envelope from Myers Professional that was mailed on October 12, 2021. Video surveillance footage from the Southwest Miami post office shows the defendant inside the post office on the same date and time that is reflected on the envelope contained among the Myers Professional Medicare records.

On or about October 13, 2021, the CS advised law enforcement that the defendant was travelling to Fort Myers the following day. On or about October 14, 2021, law enforcement established surveillance at the defendant's residence located in North Miami, Florida. Agents observed the defendant drive away from his residence in a black SUV Chevrolet Tahoe (registered to another individual), and they followed him to Hialeah, Florida, where the defendant picked up a white female, who rode in the passenger side. Agents observed the Tahoe drive onto I-75, and thereafter agents who were waiting at the Fort Myers address of Myers Professional observed the Tahoe arrive at the parking lot for the office park where Myers Professional was located. Agents observed the defendant enter the building, 11595 Kelly Road, Fort Myers, with the unidentified female. After approximately 45 minutes, agents observed the defendant and the female exit the

building and depart the area in the Tahoe.

Between approximately November 8, 2021, and February 10, 2022, Myers Professional, under the direction and control of the defendant, electronically submitted false and fraudulent claims to the Medicare program for durable medical equipment that it was not actually providing to Medicare beneficiaries. During that time, Myers Professional, under the direction and control of the defendant, electronically submitted false and fraudulent claims to the Medicaid program for durable medical equipment that it was not providing to Medicaid recipients. Myers Professional submitted fraudulent claims to the Medicare and Medicaid programs totaling approximately \$2,339,520. Myers Professional was paid approximately \$1,608,759 based on those fraudulent claims. On or about December 9, 2021, co-conspirator J.F.G. traveled to Cuba and has not returned to the United States through any port of entry.

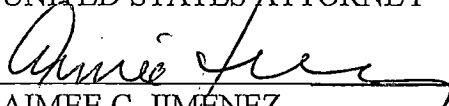
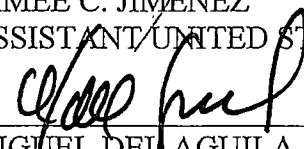
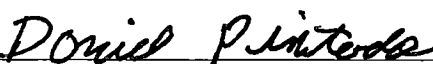
Agents interviewed three doctors and/or their staff who were listed on the claims data for Myers Professional as having prescribed DME for Medicare beneficiaries. All three doctors' offices denied that they had prescribed DME to any of the Medicare beneficiaries to which Myers Professional had purportedly supplied such DME. All of the doctors and/or their staff also denied that any of the Medicare beneficiaries were their patients.

Agents also interviewed Medicare beneficiaries and Medicaid recipients who had purportedly received DME from Myers Professional based on prescriptions purportedly supplied by those doctors whom the agents had interviewed. All of the patients interviewed denied that they received DME from Myers Professional, and they denied knowing or having been treated by the doctors listed on the fraudulent claims. For instance, B.C. is a Medicare beneficiary whose name and Medicare identifier the defendant used without B.C.'s permission in order to cause

multiple fraudulent claims for reimbursement to be submitted to the Medicare program for DME that Myers Professional did not actually supply to B.C. On November 24, 2021, Myers Professional electronically submitted a fraudulent claim to the Medicare program seeking reimbursement in the amount of \$895 for a surgical dressing that it falsely claimed it had supplied for B.C.'s care. The Medicare program paid Myers Professional the allowed amount of \$886.12 for that claim.

The defendant deposited Medicare checks into the Myers Professional bank account at BB&T. The defendant did not have checks issued to him from the Myers Professional account. Instead, checks were issued from Myers Professional to shell companies, i.e., companies that had not provided any goods or services to Myers Professional and existed for the purpose of receiving fraud proceeds. These companies converted the deposits from Myers Professional into cash by conducting cash withdrawals and by issuing checks in amounts under \$10,000 to others who cashed the checks.

On February 17, 2022, federal agents executed a seizure warrant at BB&T and seized \$371,055 in fraud proceeds from the Myers Professional bank account.

	JUAN ANTONIO GONZALEZ UNITED STATES ATTORNEY
Date: <u>7/1/2022</u>	By: <u></u> AIMEE C. JIMENEZ ASSISTANT UNITED STATES ATTORNEY
Date: <u>7/1/22</u>	By: <u></u> MIGUEL DEL AGUILA, ESQ. ATTORNEY FOR DEFENDANT
Date: <u>7/1/2022</u>	By: <u></u> DANIEL PINTADO CAZOLA DEFENDANT